

hands of the assignees, or of being distributed in satisfaction of his debts.

9. If the bankrupt has committed any fraud in the contracting of his liabilities.

SECTION 18. Any creditor who has proved his claim, opposing the discharge of any bankrupt shall file a specification in writing of the grounds of his opposition, and the Justice shall thereupon proceed to hear and determine such objections and specifications.

SECTION 19. Before any discharge is granted, the bankrupt shall take and subscribe an oath to the effect that he has not done, suffered or been privy to any act, matter or thing specified as a ground for withholding such discharge, or as invalidating the same if granted.

SECTION 20. If it shall appear to the Justice that the bankrupt has in all things complied with the requirements of this Act and that under the provisions thereof he is entitled to a discharge, the Court shall grant him a discharge from all his debts, provided however that such discharge shall not apply to such debts as have been created by fraud or embezzlement, or by defalcation, as a public officer, or while acting in any fiduciary capacity.

SECTION 21. Any person interested may except to any decision of the Justice in proceedings under this Act and appeal therefrom to the Supreme Court in Banco, provided such party give notice of his appeal within five days after the rendition of such decision and file a bond within said five days in the penal sum of one hundred dollars with the Clerk of the Court, conditioned for the payment of all costs arising from said appeal in case it shall not be sustained.

SECTION 22. The Justice may at any time upon the motion of one or more creditors who have proved his or their claims, require the assignee or assignees to file his or their accounts, and if he or they have funds subject to distribution may require him or them to distribute them forthwith. The Justice may remove any assignee at any time for cause shown, and the assignee so removed shall immediately deliver to his associate assignee or to the assignee appointed in his place, all the funds, property, books, vouchers or securities belonging to the bankrupt estate in his possession without charging or retaining any commission or compensation for his services.

SECTION 23. Preparatory to the final account and dividend, the assignee or assignees shall submit his or their accounts to the Justice and file the same, and shall thereupon give notice to all the creditors who have proved their claims, that he will apply for a settlement of such accounts and for a discharge from all liability as assignee or assignees at a time specified in such notice. At the hearing the Justice shall audit the accounts and any person interested may appear and contest the same. The Justice may thereupon at his discretion pass the accounts and order a dividend of any portion of the estate remaining undistributed and shall discharge the assignee or assignees.

SECTION 24. The costs of proceedings under this Act, except in cases where the petitioner fail to prove the person petitioned against, a bankrupt, shall be borne by the bankrupt's estate.

SECTION 25. The assignees shall be paid five per cent. upon all monies received and paid out by him and shall be allowed all other reasonable expenses incurred in the administration of their trust.

SECTION 26. Two or more persons who are partners in business may be adjudged bankrupt, either on the petition of such partners or any one of them, or on the petition of one or more creditors of the partnership, in which case an order shall issue as provided by this Act, upon which all the joint stock and property of the partnership, and also all the separate estate of each partner shall be taken, except such parts thereof as may be exempt by law from levy and execution, and all the creditors of the partnership and the separate creditors of each partner shall be allowed to prove their claims, and the assignee or assignees shall be chosen by the creditors of the copartnership; such assignee or assignees shall keep separate accounts of the joint stock or property of the copartnership and of the separate estate of each partner thereof; the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors, and if there shall be any balance thereafter such balance shall be added to the joint stock for the payment of joint creditors.

SECTION 27. In all other respects the proceedings as to partners shall be conducted in like manner as if they had been commenced and prosecuted by or against one person. If the petition be filed by less than all the partners of a copartnership, those partners who do not join shall be proceeded against in the same manner as in the case of the other debtors who are required to show cause upon a creditor's petition.

SECTION 28. The provisions of this Act shall apply to corporations, and upon the petition of any officer of a corporation duly authorized by a vote of the Board of Directors or Trustees at a meeting specially called for that purpose, or by the assent in writing of a majority of the Directors or Trustees as the case may be, or upon a creditor's petition made and presented in the manner provided by this Act, the like proceeding shall be had and taken as are provided in the case of debtors. All the provision of this Act which apply to debtors, shall apply to each and every officer of any corporation in relation to the same matters concerning the corporation. Whenever any corporation shall be declared bankrupt all its property and assets shall be distributed among its creditors.

SECTION 29. All proceedings pending at the time of the approval of this Act shall be heard and concluded under the provisions of the law then existing.

SECTION 30. Sections 962 to 995 both inclusive and Chapter XI of the Laws of 1870 and all laws and parts of laws contrary to the provisions of this Act be and the same are hereby repealed.

SECTION 31. This Act shall take effect and become a law from and after the date of its publication.

Approved this 29th day of August, A. D. 1884.

KALAKAUA, REX.

VARNIGY'S "FOURTEEN YEARS IN THE SANDWICH ISLANDS."

[CONTINUED.]

"It is proper to add that Government officers are comparatively better paid than in France, but, as a rule, they follow the fate of the Minister on whom they depend, and with rare exceptions, do not remain for any length of time in office. The reader will ask me what they do when they lose their employment. They do as in the United States—they turn to something else; that is their lookout. The State in admitting them to its service does not in the least charge itself with giving them a career and guaranteeing them against all eventualities. Because one has served the Government for a number of years it does not follow, as in France, that he is fit for nothing else; on the contrary, it is a presumption in his favor, instead of being an obstacle to any other career.

"But the preoccupations of the day have drawn me into discussion, which, without being altogether foreign to my subject, would better find their place in a special chapter. I take up again my account of the work of the Convention.

"The speech of Mr. Kauwahi and the arguments successively presented by the Attorney-General and myself had, indeed, succeeded in making the majority waver, but not in rallying it on our side. Each night destroyed the little work we had been able to do during the day, and each morning we found ourselves back again at the same point. The principal leaders of the Opposition felt themselves this time on comparatively solid ground. They fought, said they, for the maintenance of the rights of the people and of the Constitution granted by Kamehameha III. The Ministry wanted to steal from the poorer classes the right of suffrage, to shut them out of political life, and constitute an oligarchy of electors from which all those who had no possessions were to be forcibly excluded.

"The King desired to put an end to these attacks, and took up the argument himself. In an able and firm speech throughout which could be perceived a mind decided and settled as to its aims, he refuted the principal arguments of the Opposition, and did not hesitate to characterize the Constitution of 1852 as a disloyal surprise, prepared by the chiefs of the Missionary party and imposed by them on the credulous acceptance of Kamehameha III. Then making reference to the threats of insurrection which had been circulated, he said that he should not lower himself so far as to enquire into them, and that he held them of no account. 'That is not the question,' he said, 'Are the rights of the people menaced?' No. The electoral franchise is, in the first place, a privilege, in the next, a responsibility—in no sense is it an absolute right. In a constitutional government the people ought to be consulted—but what people? Is it the vicious, ignorant and improvident classes, or the intelligent classes that should be consulted? Who are those that should exercise the right of control? For himself he would speak his mind plainly: universal suffrage could not co-exist with a monarchy, and the logical result of universal suffrage is a republic. He did not believe in the stability of a monarchy on a republican basis any more than a republic on a monarchic basis. It was necessary to choose, and on this point the choice of the great majority of the nation was long ago made, and so unmistakably made that the most ardent partisans of universal suffrage had not once dared to show themselves ready to carry out their opinions to their logical consequences. He finished his speech by saying that if the majority of the delegates refused to adopt section 62 he requested that the Convention should adjourn for twenty-four hours in order to give him the opportunity of consulting with his Cabinet as to what measure to adopt.

"What would these measures be? the members of the Opposition asked of one another. On this point I knew what to expect, and in my frequent conversations with the King I had not failed to discuss the case that now presented itself and to talk over with him this eventuality. I knew him to be perfectly resolute to go forward, and if necessary

to dissolve the Convention, to declare the charter of 1852 withdrawn, and to publish a new Constitution. I was of the same mind, but nevertheless with the utmost patience, should urged that we should arm ourselves with every means of discussion, and thus discredit our adversaries by giving to their refusal to assist the character of a factious opposition which they were obliged to dissimulate under an appearance of ardent zeal for the cause of the people. The King had appreciated this reasoning and had for many days watched the debate unmoved. At last he had broken silence. I took it that he no longer hoped to bring the Convention round to our views and that the time for definite action seemed to him to have arrived.

"I regretted this, and all the more sincerely as, in appearance, we were close to gaining our end, that all the other difficulties had been surmounted and I had for a long time hoped to overcome this one also; but for the previous two days I had no longer entertained any illusions, neither had the Attorney-General, who, on his part, had fought valiantly. Our other two colleagues kept themselves apart, endeavoring to conserve their influence and prepare for future action.

A *coup d'etat* had become inevitable. I was then and am now convinced that, as the King had said, a republic is the necessary result of universal suffrage. Now in those islands a republic was, and will be for a long time yet, an impossible form of government. Monarchical traditions are too strong there, republican institutions are too little liked and too little understood by the natives. A republic is not possible except by annexation to the American Union, and a considerable emigration from the United States, but annexation had no adversary more resolute than myself. I was thoroughly decided to oppose it by every possible means; I did not believe it so imminent as its partisans proclaimed it to be; and even today, retired from the strife of parties and from the conduct of affairs, I consider that it may come as a result of a series of mistakes, but that it is not, and will not be yet for a long time, a geographical and political necessity.

"The king had gone too far to draw back and his energy rose to the height of the occasion. Neither Mr. Harris nor I would counsel him to give away. Messrs. Wyllie and Hopkins, the latter especially, objected to extreme measures. On many occasions Mr. Hopkins had not been able to disguise his sympathy with the views of the opposition. The latter flattered him in their journals and pretended to consider that he was separated from them by shades of opinion rather than by principles. As to Mr. Wyllie, irritated in the first instance by the violent attacks of which he had been made the object, he showed himself affected, and saw with pain, his past services misconstrued and his popularity waning. Attacked already by the malady of which he died some months later, much occupied with the care of a considerable private enterprise and discontented at having to play a secondary part in the debates he went out but little, frequently absented himself and voluntarily laid upon Mr. Harris and upon me the burden of a responsibility daily becoming heavier.

"The Opposition redoubled its efforts, and on Thursday, August 11, an amendment by Mr. Bishop, a member of the House of Nobles, in favor of an electoral qualification, was put to the vote: out of 23 delegates, 16 voted against it, 7 for it. This vote, being on an amendment, left the principal still untouched. The sitting of the 12th was devoted to new efforts on our part, but without any appreciable result. The prorogation of the debate had only the effect of drawing from our opponents speeches more and more bitter. If at the outset we might have hoped to bring over those who had merely voted against our proposal without taking an active part in the discussion, the task became more difficult as their number diminished, and each new adversary which the discussion brought to his feet was a vote definitely acquired and registered against us.

"The agitation was no less lively outside than inside the Convention. Every one felt that a crisis was imminent. Some wondered at the long

suffering of the King and at our patience, which they attributed to the fear which the menaces of the opposition had inspired us with. Others convinced of our immediate fall saw in it a weakening of the monarchy and the approach of annexation. The partisans of this measure emboldened by their apparent success, full of ardor, fancied themselves popularly sustained and made up for their want of numbers by the boldness which often serves instead.

"On Saturday, August 13, the sitting of the Convention commenced at 11 a.m. The king had not yet arrived, his father Kekuanaoa, President of the House of Nobles assisted by Mr. Robertson, President of the Delegates, occupied the Chair. The discussion began on a new amendment proposed by a Noble. I was about to speak when a messenger came to tell me that the king had arrived and wanted to see me in the private room that had been reserved for him. I presented myself and he asked me what I thought of the turn which the discussion was taking. I replied that I did not expect any satisfactory result from it, that the proposed amendment might perhaps be accepted by the delegates but that it was inadmissible and did not really touch the question. The king then enquired my opinion of a proposal which Mr. Wyllie had made to adjourn the Convention for six weeks to give time for passions to cool down and enable us to try to bring the opposing delegates round to our views. I declared to the king that I thought the proposal impolitic and dangerous, that in the position we had arrived at to provoke or even to accept an adjournment was to send back to the districts a triumphant opposition, emboldened by its success, which would pose before the electors as the defenders of their rights, which would make use of the time to organize resistance and to mislead public opinion. I added that if His Majesty decided to take this course it was indispensable to modify his views and that for my own part I considered my presence in the Cabinet as dangerous for him and impossible for myself.

"The king did not tell me whether he had made Mr. Wyllie's proposal known to Mr. Harris and Mr. Hopkins, nor whether he had taken their advice. I did not ask him. So far as Mr. Hopkins was concerned I suspected it, and as for Mr. Harris I believed it probable. I had every reason to believe that the latter would in this case give a similar opinion to mine, but I had neither time nor leisure to discuss the matter with him, and afterwards I did not seek to clear up a question which had ceased to have any importance.

"The king listened to me to the end without interrupting me; then he said that his mind was made up and that he was determined to act; he should make a last appeal to the Convention and should then await the vote. I returned with him. The king then slowly ascended the steps to his seat as President and the debate proceeded. The place reserved for the public was crowded, the passages were filled with people. Every one instinctively felt that a crisis was at hand. Outside the agitation was no less strong, and events were awaited.

"When the time for the vote arrived the king spoke and once more invited the Delegates to inspire themselves with the wishes of their electors. Fourteen delegates voted against the resolution, seven for it.

"The result of the final vote was received in profound silence. The king rose and addressing himself to the Delegates made the following speech in the native language:

This is the fifth day of the discussion of this article. When the question of the amendment of the Delegate from Hamakua was put to the convention, it became apparent to me that a majority of the Delegates would not agree to the principle contained in the amendment. I am very sorry that we do not agree on this important point. As I said the other day, this is not a right belonging to the people, as some have said. I have told you, and my Ministers also have told you, that in all other monarchies countries suffrage is limited, and it is thought that the possession of property is a proof of industry and thrift, therefore in those enlightened countries it is said that the class who possess property are the proper persons to advise their representatives in regard to the necessities of the Government; and the poor, lazy, and ignorant are debarred from this privilege.

(To be continued.)